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**Question of the Falkland Islands (Malvinas)**

## Letter dated 18 February 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 3 January 2011 from the Permanent Representative of Argentina addressed to you, transmitting in an annex the text of a press release issued on that date by the Government of Argentina on the question of the Falkland Islands (A/65/684).

The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas. The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can and will be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish.

The United Kingdom is clear that no civilian population was expelled from the Falkland Islands in 1833. Only the Argentine military garrison was expelled. It had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over United Kingdom sovereign territory. The civilian population was encouraged to remain in 1833. The majority chose to do so of its own free will. British sovereignty over the Falkland Islands dates back to 1765, and the Islands have never legitimately been administered by or formed part of the Republic of Argentina.

The formula on sovereignty agreed by the United Kingdom and the Republic of Argentina in the 1989 Madrid Joint Statement, and reaffirmed in the 1990 Madrid Joint Statement and in subsequent joint statements, was intended to facilitate the normalization of relations between the United Kingdom and the Republic of Argentina while protecting each country's position on the sovereignty of the Falkland Islands, and thereafter to enable practical cooperation between the two countries in the South Atlantic. The joint statements make no reference to negotiations on sovereignty or to being provisional in nature.

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The United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic under the formula on sovereignty mentioned above which would be of mutual benefit. However, in recent years the Republic of Argentina has withdrawn from cooperation on the South Atlantic Fisheries Commission, and in 2007 repudiated the 1995 Joint Declaration on Hydrocarbons. The Republic of Argentina placed a ban on charter flights travelling to the Islands in 2003. It also introduced domestic legislation to penalize companies who wish to do business in or with the Falkland Islands. In 2010, Argentina also introduced a Presidential Decree that does not comply with the freedom of navigation provided for by international law, including the United Nations Convention on the Law of the Sea. The Decree seeks to impose restrictions on vessels transiting Argentine jurisdictional waters to or from the Falkland Islands, including those transiting the international Magellan Strait. These examples show that the Republic of Argentina has repeatedly and unilaterally taken action against the Falkland Islands (counter to General Assembly resolution 31/49 of 1 December 1976). However, the most significant example remains the disruption of peaceful cooperation when it invaded the Islands in 1982.

The United Kingdom has made a number of proposals for different types of cooperation and remains keen to foster a constructive relationship with Argentina and to promote practical cooperation in the South Atlantic.

The United Kingdom supports the Falkland Islands Government's legitimate decision to explore for hydrocarbons in Falkland Islands waters in accordance with international law, including the United Nations Convention on the Law of the Sea and article 1, paragraph 2, of the International Covenant on Civil and Political Rights.

The United Kingdom undertakes routine military tests of short-range missiles every six months on the Islands. It has done so since they were deployed there in response to the Republic of Argentina's invasion of the Falkland Islands in 1982. The October 2010 tests do not represent any change in the United Kingdom defence posture in the South Atlantic.

South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, it is uninhabited and it is not a listed territory by the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly under agenda item 45.

(*Signed*) Mark **Lyall Grant**